IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc-M-29963 of 2007

Date of decision: 24.7.2007

Jagdish Chand …Petitioner

Versus

State of Haryana …Respondent

Present: Mr HS Gill, Sr Advocate with
Mr RK Birbian, Advocate for the petitioner.
Mr Vikas Chaudhary, AAG Haryana.

S.S. SARON, J

Heard counsel for the parties.

The petitioner is facing trial for the offences under Sections 304B, 201, 498-A, 34 IPC. An alternative charge for the offence under Sections 302/34 IPC has been framed. The FIR has been registered on the written application submitted by Gaindi Devi wife of Jyoti Ram, Harijan. The complainant solemnized the marriage of her daughter – Geeta with Anil Kumar – son of the petitioner – Jagdish Chand. It is alleged that the petitioner had been compelling Geeta from time to time to bring more dowry. Once they asked her to bring Rs 2.00 lakhs from her parental home. Rs 1,30,000/-, it is stated, were given three months after the marriage. Then she was asked to bring a car. The daughter of the complainant being fed up with the dowry demands by her in-laws, made a phone call and the complainant went to the house of her daughter at village Jajanpur and requested that he could not afford to give a car. On 17.1.2007 in the morning, the complainant received a telephone call in the village that Geeta

Rani had died. Then he along with five persons from the brotherhood went to village Jajanpur. On reaching there, they saw that they had made arrangements for cremation. However, the complainant was not allowed to see the face of her daughter on the pretext that they were getting late. They lifted the dead body and hurriedly cremated her. On these allegations, the husband and father-in-law (petitioner) of the deceased have been proceeded against.

Learned counsel for the petitioner has submitted that Geeta Rani was earlier married with Ramesh Kumar (since deceased). From the said wedlock, she had two children. Lateron, on 6.8.2004 her marriage was solemnized with Anil Kumar – son of the petitioner. At that time, Anil Kumar was a minor. At the request of common friends and relatives and in order to help Geeta Rani, the petitioner had agreed for the marriage. It is stated that both the husband and wife i.e. Anil Kumar and Geeta Rani (deceased) were living happily and a son was born who, however, had died 11 days after the birth. Subsequently, she gave birth to a daughter who was aged 6 months at the time of the occurrence. Geeta Rani was not keeping good health and was getting treatment from the government dispensary. It is submitted that Geeta Rani had died a natural death because of her illness and immediate information was sent to her parents. It is subsequently that the FIR has been registered after two days of the occurrence with ulterior motive.

In response, learned counsel for the State has submitted that the petitioner is clearly involved in the case and his role in the case is clearly borne out from the statement of the complainant.

I have given my thoughtful consideration to the matter.

The deceased – Geeta Rani was earlier married with Ramesh Kumar and from the said wedlock she had two children. From the second marriage with the son of the petitioner namely Anil Kumar, she had two more children though one of them died some days after his birth. The question whether a payment of Rs 1,30,000/- was made and also a demand of car, are to be considered and gone into by the trial Court. The case of the complainant is that they are doing labour work. The death of Geeta Rani took place on 17.1.2007. The complainant was present at the time of cremation. Thereafter, it is two days later i.e. on 19.1.2007 that the FIR was got registered. No post-mortem of Geeta Rani was conducted. In the circumstances, the cause of death cannot be ascertained at this stage. The allegations of demand for dowry are not to be liable to be gone into at this stage and would more appropriately be considered after evidence has been led.

In the facts and circumstances of the case, no useful purpose would be served in keeping the petitioner imprisoned. Therefore, the petitioner, on his furnishing personal bond and surety to the satisfaction of CJM Kaithal, shall be admitted to bail.

Nothing stated hereinabove shall be taken as an expression of opinion on the merits of the case and the trial Court shall consider and decide the case on the basis of evidence and material as produced before it.

24.7.2007. (S.S.SARON)
ASR JUDGE